IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

W.P(C).No. 34947 of 2007-(I)

PETITIONER:

RAVEENDRAN,
MADATHILPARAMBIL VEEDU,
VADAKARA P.O., KOTTAYAM.

BY ADV. SRI.S.MOHAMMED AL RAFI

RESPONDENTS:
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1. **THE GEOLOGIST,**
   MINING AND GEOLOGIST DISTRICT OFFICE,
   COLLECTORATE P.O., KOTTAYAM.

2. **STATE OF KERALA, REPRESENTED BY**
   SECRETARY, DEPARTMENT OF HOME AFFAIRS,
   THIRUVANANTHAPURAM.

3. **SUB INSPECTOR OF POLICE,**
   VELLOOR, KOTTAYAM DISTRICT.

BY GOVT. PLEADER, SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO.34947 OF 2007-I

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Dated this the 27th day of November, 2007

J U D G M E N T

Ext.P1 in this case is the permit that has been issued to the petitioner incorporating condition No.17, based on the judgment of this court in W.P.(C)No. 1694/04. According to the petitioner, the effect of the judgment and the condition is that he will not be entitled to use pump and motor for washing ordinary sand, which he is mining. Objecting to the incorporation of the said clause, this writ petition has been filed.

2. A Division Bench of this court in judgment in WP(C) No.29713/06 has already taken the view that irrespective of the facts of the case, there cannot be a clause as Ext.P17 in all cases. According to the Division Bench judgment, it is for the authorities to consider the facts of each case and take a decision as to whether such a clause prohibiting the use of pump and motor is required to be incorporated or not.

3. In view of the similarity of the facts of this case with the facts of the case decided by the Division Bench of this court, I

am satisfied that the petitioner is also entitled to relief similar to what has been granted by the Division Bench.

Therefore, I dispose of this writ petition directing that the 1st respondent shall consider Ext.P2 representation and also the requirement as to whether the prohibition as provided in Clause 17 of Ext.P1 permit is required to be incorporated in the case of the petitioner also.

ANTONY DOMINIC, JUDGE.

Rp